

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Melissa Smith Boyter,

Plaintiff,

Michael J. Astrue,

Commissioner of Social Security,

Defendant.

C/A No. 0:09-2828-HFF-PJG

ORDER

This social security action is before this court pursuant to 42 U.S.C § 405(g) for review of a “final decision” of the Commissioner of the Social Security Administration (“Commissioner”). The plaintiff, Melissa Smith Boyter, initiated this action and filed her Complaint on October 29, 2009. (Docket Entry 1.) The Commissioner filed an Answer along with a transcript of record on March 8, 2010. (Docket Entry 6.)

The Local Rules of this District state that, after the filing of an answer, a plaintiff has thirty (30) days in which to file a written brief. Local Civil Rule 83.VII.04 DSC. The plaintiff’s brief was due on or before April 12, 2010. As of this date, the plaintiff has not filed a brief and has presented no argument as to why the decision by the Commissioner is not supported by substantial evidence.

Originally, the plaintiff was represented in this matter by J. Redmond Coyle, Esquire. Upon Mr. Coyle’s death, Robert Scott Dover, Esquire was appointed by the South Carolina Supreme Court to assume responsibility for Mr. Coyle’s client files. In the Matter of J. Redmond Coyle, Order (S. Ct. Feb. 4, 2010). Based on information provided via telephone by Dover to the Clerk of Court’s office, Boyter has retrieved her case file from Dover. However, no new attorney has entered an appearance and no plaintiff’s brief has been filed. Accordingly, it is

ORDERED that the plaintiff shall have until **June 4, 2010** to file her brief, either *pro se* or through counsel, if she desires to proceed in litigating her claims. **Failure to do so will result in a recommendation that this case be dismissed for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

May 6, 2010
Columbia, South Carolina